IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Masaki ISHIDAO et al. Group Art Unit: 2655

Serial No.: 10/768,188

Filed: February 2, 2004 Confirmation No.: 3660

For: SEMICONDUCTOR MEMORY DEVICE AND MANUFACTURING

METHOD THEREOF

Attorney Docket No.: 032209 Customer Number: 38834

PETITION UNDER 37 CFR § 1.47(a)

Box: PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

June 30, 2004

Sir:

Applicants petition under 37 CFR § 1.47(a). The first named inventor refuses to join in the application for patent or cannot be found or reached after diligent effort.

Attached is a statement of pertinent facts entitled, "Necessary information for the missing inventor" by applicants' representative in Japan who is most knowledgeable of the facts.

The last known address of the nonsigning inventor is set forth in the "Necessary information for the missing inventor". A copy of the mail delivery receipt along with the letter sent to the missing inventor is attached to the "Necessary information for the missing inventor". The letter included the declaration and assignment requesting him to sign and return them to the representative in Japan. The mail delivery receipt indicates the letter reached him on January 22, 2004.

07/02/2004 AWONDAF1 00000036 10768188

03 FC:1460

130.00 OP

Petition Under 37 C.F.R. §1.137(a) Attorney Docket No. 032209

Also submitted concurrently herewith is a declaration signed by all the available joint inventors.

If any additional fees are required with respect to this paper, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

Stephen G. Adrian Attorney for Applicant Registration No.: 32,878

SGA/ll 1250 Connecticut Avenue, NW Suite 700 Washington, D.C. 20036 (202) 822-1100

Attachments: "Necessary information for the missing inventor" with copy of letter to missing inventor and copy of mail delivery receipt.

Necessary information for the missing inventor

- The missing inventor: Masaki ISHIDAO
- His last known address:

2-506, Azuma-cho 1-chome, Atsugi-shi, Kanagawa 243-0006 Japan

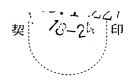
The pertinent facts:

Declaration and Power of Attorney, Assignment were sent to the missing inventor's above address on January 13, 2004 via registered mail and reached the missing inventor on January 22, 2004. However, we have not received any reply from him. In addition, he can not be reached on the phone since his phone number with above address is not registered and it is impossible for us to obtain his phone number.

June. 23 rd, 2004 X. Minagaua

Kanako MINAGAWA

KOKUBUN INTERNATIONAL PATENTS AND TRADEMARKS



郵便物配達証明書			
受取人の 氏 名	石田尾 哲村 様		
引受番号	120-04-40537-2 号		
上記の郵便物は、/6年 /月 2年配達したのでこれを証明します。			
神奈厚木	都府県 16.1.22 公-24		
7.07070 /14 - 1	IIAI)		

ユ07370 (14・HIN)

再生紙使用

書類送付のご案内

平成16年1月13日

石田尾 督樹 様

東京都豊島区東池袋 1 — 157 — 8 池袋 TG ホ-以比 ル(5F)〒170-0013 **国** 分 特 計 事 多 戶厅 TEL (03) 3590-8901 (代表) FAX (03) 3590-4801 担当: 皆川

米国特許出願

「半導体記憶装置及びその製造方法」

(対応日本国出願:特願2003-027514) 富士通株式会社様整理No 02-41448 弊所整理No F1188P-US の件

拝啓 時下ますますご清栄のこととお慶び申し上げます。

さて、標記出願の Declaration and Power of Attorney 及び Assignment のフォームをお送りいたしますので、所定の箇所に石田尾様のサインをしていただいた後、弊所に返送して下さいますようお願い申し上げます。

なお、上記サイン書類は、

平成16年1月21日(水)

までに弊所へご返送いただきますようお願い申し上げます。

敬具

添付書類:

(1) Declaration and Power of Attorney

1通

(2) Assignment

1通

Docket	No.	
DOCKCE	410.	

Westerman, Hattori, Daniels & Adrian, LLP

U.S. ASSIGNMENT

(Insert ASSIGNEE's Name(s) Address(es))

IN CONSIDERATION of the sum of One Dollar (\$1.00), and of other good and valuable consideration paid to the undersigned inventor(s) (hereinafter ASSIGNOR) by FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome, Nakahara-ku,

Kawasaki-shi, Kanagawa 211-8588 Japan

(hereinafter ASSIGNEE), the receipt of which is hereby acknowledged, the undersigned ASSIGNOR hereby sells, assigns and transfers to ASSIGNEE the entire and exclusive right, title and interest to the invention entitled

(Title of Invention)

(*If the assignment is being filed after the filing of the application, this section must be completed)

for which application for Letters Patent of the United States was executed on even date herewith unless otherwise indicated below:

* filed on _____ Serial No. ____

(Westerman, Hattori, Daniels & Adrian, LLP is hereby authorized to insert the series code, serial number and/or filing date hereon, when known)

and all Letters Patent of the United States to be obtained therefore on said application or any continuation, divisional, substitute, reissue or reexamination thereof for the full term or terms for which the same may be granted.

The ASSIGNOR agrees to execute all papers necessary in connection with the application and any continuation, divisional, reissue or reexamination applications thereof and also to execute separate assignments in connection with such applications as the ASSIGNEE may deem necessary or expedient.

The ASSIGNOR agrees to execute all papers necessary in connection with any interference, litigation, or other legal proceeding which may be declared concerning this application or any continuation, divisional, reissue or reexamination thereof or Letters Patent or reissue patent issued thereon and to cooperate with the ASSIGNEE in every way possible in obtaining and producing evidence and proceeding with such interference, litigation, or other legal proceeding.

(Signatures)

IN WITNESS-WHEREOF, the undersigned inventor(s) has (have) affixed his/her/their signature(s).

В

	and the second second	
	Masaki ISHIDAO	
(Signature)	(Type Name)	(Date) H1=Ut
	Masahiro KOBAYASHI	
(Signature)	(Type Name)	(Date)
	Masatoshi FUKUDA	
(Signature)	(Type Name)	(Date)

NO LEGALIZATION REQUIRED



Declaration and Power of Attorney for Patent Application 特許出願宣言書及び委任状

特許出願宣言書及び委任状 Japanese Language Declaration 日本語宣言書

私は、以下に記名された発明者として、ここに下記の通り宜 含す る:	As a below named inventor, I hereby declare that:
私の住所、郵便の宛先そして国籍は、私の氏名の後に記載された通 りである。	My residence, post office address and citizenship are as stated next to my name.
下記の名称の発明について、特許請求範囲に記載され、且つ特許が 求められている発明主題に関して、私は、最初で、最先且つ唯一の 発明者である(唯一の氏名が記載されている場合)か、或いは最 初、最先且つ共同発明者である(複数の氏名が記載されている場 合)と信じている。	I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
上記発明の明細書はここに添付されているが、下記の欄がチェックされている場合は、この限りでない:	the specification of which is attached hereto unless the following box is checked:
□	was filed on as United States Application Number or PCT International Application Number and was amended on (if applicable).
私は、上記の補正書によって補正された、特許請求範囲を含む上記 明細書を検討し、且つ内容を理解していることをここに表明する。	I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.
私は、連邦規則法典第37編規則1. 56に定義されている、特許 性について重要な情報を開示する義務があることを承認する。	I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.
,	

Japanese Language Declaration 日本語官言書

私は、ここに、以下に記載した外国での特許出顧または発明者証出顧、或いは米国以外の少なくとも一国を指定している米国法典第35編第365条(a)によるPCT国際出顧について、同第119条(a)(b)項又は第365条(b)項に基づいて優先権の利益を主張するとともに、優先権を主張する本出顧の出顧日よりも前の出願日を有する外国で特許出願または発明者証出顧、或いはPCT国際出顧については、いかなる出願も、下記の枠内をチェックすることにより示した。

Prior Foreign Application(s) 外国での先行出願 2003-027514 Japan (Number) (Country) (番号) (国名) (Number) (Country) (番号) (国名) _他の優先権出顧については添付のリスト参照 私は、ここに、下記のいかなる米国仮特許出願についても、その米 国法典第35編119条(e)項の利益を主張する。 (Application No.) (Filing Date) (出願番号) (出願日)

私は、ここに、下記のいかなる米国出願についても、その米国法典第35編第120条に基づく利益を主張し、又米国を指定するいかなるPCT国際出願についても、その同第365条(c)に基づく利益を主張する。また、本出願の各特許請求の範囲の主題が、米国法典第35編第112条第1段に規定された態様で、先行する米国出願又はPCT国際出願に開示されていない場合においては、その先行出願の出願日と本国内出願日またはPCT国際出願日との間の期間中に入手された情報で、連邦規則法典第37編規則1.56に定義された特許性に関る重要な情報について開示義務があることを承認する。

(Application No.) (Filing Date) (出願番号) (出願日)

(Application No.) (Filing Date) (出願番号) (出願日)

私は、ここに表明された私自身の知識に係わる陳述が真実であり、 且つ情報と信ずることに基づく陳述が、真実であると信じられること を宜言し、さらに、故意に虚偽の陳述などを行った場合は、米国法典 第18編第1001条に基づき、罰金または拘禁、若しくはその両方 により処罰され、またそのような故意による虚偽の陳述は、本出願ま たはそれに対して発行されるいかなる特許も、その有効性に問題が生 ずることを理解した上で陳述が行われたことを、ここに宜言する。 I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application for which priority is claimed.

•	Priority Claimed		YES	NO
	優先権主張	Ę	あり	なし
February 4, 2003 (Day/Month/Year Filed) (出願日/月/年)				
(Day/Monthy/Year Filed) (出願日/月/年)				
See attached list for addit	ional prior for	eign app	olications	S .
I hereby claim the benefit und 119(e) of any United States p				
(Application No.) (出顧番号)		iling Da 出願日)	te)	

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s), or 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code Section 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of application.

(Status: Patented, Pending, Abandoned) (現況: 特許許可、係属中、放棄)

(Status: Patented, Pending, Abandoned) (現況: 特許許可、係属中、放棄)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration 日本語宣言書

委任状: 私は本出願を審査する手統を行い、且つ米国特許商標庁 との全ての業務を遂行するために、記名された発明者として、下記の弁 護士及び/または弁理士を任命する。

POWER OF ATTORNEY: As a named inventor, I hereby appoint The following attorney(s) and/or agent(s) to prosecute this Application and transact all business in the Patent and Trademark Office connected therewith.

38834

米国特許商標庁

38834 PATENT TRADEMARK OFFICE

全ての通信は下記の住所へ送付されたい。

ウェスタマン、ハットリ、ダニエルズ&エイドリアン、LLP 1250 コネチカット通り N.W.スイート700

Please direct all communications to the following address: WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

1250 Connecticut Avenue, N,W., Suite 700

Washington, D.C. 20036

ワシントンDC、20036

唯一または第一発明者氏名 発明者の署名

Full name of sole or first inventor

Masaki ISHIDAO

Signature

Date

住所

国籍

郵便の宛先

Residence Atsugi, Japan

Citizenship Japan

Post Office Address

2-506, Azuma-cho 1-chome, Atsugi-shi,

第二共同発明者がいる場合、その氏名

発明者の署名

日付

日付

Kanagawa 243-0006 Japan Full name of second joint inventor, if any

Masahiro KOBAYASHI

Signature

Date

住所

国籍

郵便の宛先

Residence

Kawasaki, Japan

Citizenship Japan

Post Office Address

c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome, Nakahara-ku, Kawasaki-shi,

Kanagawa 211-8588 Japan

第三共同発明者がいる場合、その氏名

発明者の署名

日付

Full name of third joint inventor, if any

Masatoshi FUKUDA

Signature

Date

住所

国籍

郵便の宛先

Residence

Kawasaki, Japan

Citizenship Japan

Post Office Address

c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome, Nakahara-ku, Kawasaki-shi,

Kanagawa 211-8588 Japan

(Partial Translation)

[Request for filing patent application(s)]

Date: September 20, 2002

The title of the invention: SEMICONDUCTOR MEMORY DEVICE AND MANUFACTURING METHOD THEREOF

The abstract of the invention: Semiconductor memory device and manufacturing method thereof comprising a constitution of precisely forming a pair of charge storage parts in a multi-value flash memory by using an Al203 insulating film.

Applicant: FUJITSU LIMITED

[Assignment]

To FUJITSU LIMITED

The underwritten inventor(s) hereby assign and transfer to FUJITSU LIMITED the entire right, title and interest to the invention titled above, both in Japan and overseas, in conformity with the above corporation's regulation.

The inventors: The confirmation date, Share of the invention,

1)	Masaki ISHIDAO	September 20, 2002	6
2)	Masahiro KOBAYASHI	September 20, 2002	3
3)	Masatoshi FUKUDA	September 20, 2002	1

The inventors belong to:

- 1) System memory development, Fujitsu laboratories Ltd.
- 2) System memory development, Fujitsu laboratories Ltd.
- 3) System memory development, Fujitsu laboratories Ltd.

依 ○ 工場 ● 研究所 ○ ビル 7121-3211 O 支社 TEL システムメモリ開発 部 課室 川崎メール番号 部 長 課 長担 当 者 頼 部長確認番号 石田尾督 中西俊郎 奈良安雄

樹

IT-026956007

 線 Fax:
 046-248-3473
 外線は毎頭者のものを記入

 特許部長部長部長部長
 長課長